



Land Rights and Communities



BELA

Upholding the Law on Shifting Sands

A courageous community in Bangladesh reclaims their land.

Mdenayet Ullah is a leader in the small community of Kandergaon, on the outskirts of the Bangladesh capital, Dhaka. He is the Imam of the local mosque and founded the local primary school. The village of Kandergaon is relatively prosperous, certainly not wealthy, but the land along the edge of the Meghna River is fertile and farmers get three harvests a year. The 400 families who own small farms around the village had a good life. All of that changed in 2009, when people came running to Mdenayet saying that there were barges pumping sand from the river bottom

onto their fields and burying their farms.

The villagers protested. This was their land and they had not sold it to anyone. But they were told that the land now belonged to a company which intended to build a high-priced housing development. When people continued protesting, “musclemen” showed up and began to beat the villagers. Local politicians were bribed by the company not to support the villagers. The rule of law seemed to have disappeared and the villagers began to feel desperate. They had already lost 71 acres and the company was planning to fill in a total of 800. **PAGE 4 ▶**

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Participatory research reveals disastrous impacts on communities.

Whose land is it? The State will answer our land under the law. Corporations will answer our land as they have a contract to exploit it. Communities will answer our land as they have lived, cared for, and farmed the land for generations. ALPHONSE YOMBOUNO, RESEARCHER, GUINEA

All across Africa, the scramble for land and resources is accelerating, and the list of casualties continues to grow, with farmers forced off their lands, and promises of jobs and local development not materializing. But communities are not sitting idle. In 2009, the Coalition for the Protection of African Genetic Heritage (COPAGEN), a coalition of 180 farm organizations across nine countries in West Africa, held important campaigns to denounce

what was perceived as a new wave of colonialism. In 2012, Inter Pares initiated an action research project in collabora-

tion with COPAGEN and the Université de Montréal. A central aspect of the research is that communities affected by landgrabs were involved as co-researchers.

The landgrabs:

- are agreed to by national governments and companies without informing local residents;
- result in a reduction and/or deterioration of arable land for growing food by local populations, and a worsening of local diets;
- impact women in a disproportionate way, reducing their access to land and compromising their role in ensuring food security within the household.

These impacts are evident in the research project's documentary film: *La fièvre verte* (Green Fever). This film bears witness to the tragedy and injustice of landgrabs, and asks important questions such as the one posed by Alphonse Yombouno above.

In April 2014, Alphonse and his colleague Francis Ngang came to Canada to present the main research findings to policy makers, academics, civil society groups, and farmers.

Land inventories reveal that nearly eight million hectares of land were acquired in the last decade.

Left: Farmer whose land was taken, village of Sare Djae, Guinea-Bissau.



AMINE BOLLHANI

Right: Gold mining town of Hiré, Côte d'Ivoire.



ANTHONY CÔTE

Land inventories carried out in nine countries in West Africa reveal that nearly eight million hectares of land were acquired in the last decade. More in-depth impact studies carried out in Côte d'Ivoire, Guinea-Bissau and Guinea reveal a common pattern.

The film proved to be an effective catalyst for discussions and reflection, and is an important contribution to our ongoing effort to defend and further grow the space for family farms. 

ONLINE View the film *La fièvre verte* and get access to more information: www.interpares.ca/landgrabs



Community outreach worker Catalina López Gómez (left) meeting with the women's collective of La Grandeza, Chiapas.

BILL FAIRBAIN

How Access to Land Leads to Gender Equality in Chiapas

Inserting women's perspectives into the communal land system in Mexico.

The sense of grandeur that one feels entering Mexico's southernmost state is impressive. Leaving behind Guatemala's winding roads, you begin to see the rolling hills of the Chiapas highlands on the horizon. Here, land ownership not only determines a family's ability to grow their food and earn a living, but also secures their place in local political processes.

Following land reform at the beginning of the 20th century, the *ejido*, a communal land tenancy system, was enshrined into law. Though an important milestone for the rights of rural communities, its design is inherently discriminatory against indigenous women. Inter Pares counterpart the Centre for Women's Rights of Chiapas (CDMCH) is fighting to overcome this gender inequality, while preserving the *ejido*'s communal system of land ownership.

Indigenous women in Chiapas often face "triple discrimination" because they are poor, indigenous and female. Inequality, discrimination and subordination create problems for them, even within their own communities. The exclusion of women from the *ejido* system limits their participation in community assemblies, where many major decisions that affect their lives are taken.

CDMCH's research in these communities shows that only 18.5% of women own land. Women's political participation is then controlled by their husbands or other male relatives. As more men leave Chiapas in search of work, the right to land has become increasingly important for indigenous women.

CDMCH is well aware of the scale of the task of challenging both land rights and gender inequality.

It means modifying historical patterns of legal discrimination that are reinforced through local customs. CDMCH has been providing ongoing accompaniment to twelve women's collectives, building their capacity to defend, promote and exercise their rights. Through this process, community outreach workers such as Catalina López Gómez (pictured above) accompany the collectives to lobby local, municipal and state authorities for the recognition of women's right to land ownership as a fundamental human right. Because what's the value of a land reform if it leaves behind half of the population?

Inter Pares is honoured to support CDMCH's efforts in overcoming the inequalities faced by indigenous women in Chiapas. ☺

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Upholding the Law on Shifting Sands

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Kandergaon community resistance committee (Iqbal Kabir of BELA middle, Mdenayet in white to the right).

Good governance and justice do not come from the top down. They come from the bottom up when citizens know their rights and demand that they be respected.

Mdenayet had seen enough and took the lead in forming a resistance committee to organize people in defense of their land. The committee contacted Inter Pares' counterpart the Bangladesh Environmental Lawyers Association (BELA). Iqbal Kabir, one of

the founding lawyers of BELA, agreed to take on the case despite the danger associated with it.

The threat became clear in 2011 when Mdenayet was arrested on trumped up charges and very badly beaten. Powerful interests have also sought to influence Iqbal. He has been offered massive bribes to drop other legal cases. His home has been broken into and sensitive case files stolen. But Iqbal and the lawyers of BELA believe in the rule of law, and in making it work to protect communities' rights.

Iqbal met regularly with the villagers and

built their case while strengthening the committee's capacity. In 2012, the Ministry of the Environment ordered the company to stop the pumping and remove the sand from farmers' fields. Though pumping stopped, the company refused to restore the farmland. Instead they built a guard house on it to protect their "investment".

BELA took the case to court and in March 2014 it ruled in favour of the community and ordered the company to restore the land. It is a great victory, but since the justice system moves slowly, Iqbal expects another three years of legal battles. Still, he is confident that the community will ultimately win.

Unscrupulous powerful people and corporations can get away with this type of injustice in Bangladesh but organized communities with support from groups like BELA can use legal mechanisms to push back. Good governance and justice do not come from the top down. They come from the bottom up when citizens know their rights and demand that they be respected. ☺

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With the support of thousands of Canadians, Inter Pares works in Canada and around the world with social change organizations who share the analysis that poverty and injustice are caused by inequalities within and among nations, and who are working to promote peace, and social and economic justice in their communities and societies.

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